

EXHIBIT D

IN THE CIRCUIT COURT FOR RUTHERFORD COUNTY, TENNESSEE

JIMMY MOSS,

Plaintiff,

vs.

**WALMART, INC., and
THE ROOTO CORPORATION;**

Defendants.

No. *77918*

JURY DEMAND

FILED

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COMPLAINT

1. Plaintiff, JIMMY MOSS, is a citizen and resident of Rutherford County, Tennessee, and submits that the Rutherford County, Tennessee, Civil Circuit Court is the proper jurisdiction and venue for bringing this action.
2. Defendant, WALMART, INC. (hereinafter "Walmart") is a corporation registered to conduct business in Tennessee. Walmart owned and operated a retail store doing business as Walmart Supercenter in Rutherford County at 2000 Old Fort Parkway, Murfreesboro, Tennessee 37129, at all relevant times referenced below.
3. Walmart maintains a principal office address at 708 SW 8th Street, Bentonville, Arkansas 72712-6209. Walmart designated CT CORPORATION SYSTEM to accept service of process on Walmart's behalf at 300 Montvue Road, Knoxville, TN 37919-5546.
4. Defendant, THE ROOTO CORPORATION, (hereinafter "Rooto") is a corporation registered to conduct business in Las Vegas, Nevada, with a registered agent listed as Keith Kopf at 2312 Santa Paula Drive in Las Vegas, Nevada. Rooto manufactured and sold a drain cleaner branded as "Liquid Lightning" in Walmart's retail stores at all relevant times referenced below.

FACTUAL BACKGROUND

5. This action arises from injuries suffered by the Plaintiff, JIMMY MOSS, as he was shopping at the retail store owned and operated by Walmart at 2000 Old Fort Parkway, Murfreesboro, Tennessee 37129, on November 14, 2019.

6. On November 14, 2019, the Plaintiff, JIMMY MOSS, was shopping in the Walmart store when he picked up a bottle of Liquid Lightning from the shelf. The bottle of Liquid Lightning fell through the plastic bag that was encasing the bottle and spewed chemicals onto his legs.

7. The Plaintiff, JIMMY MOSS, was acting reasonably, paying proper attention to his surroundings and behaving as any normal person would behave at all times leading up to the incident that caused him to sustain serious and painful injuries.

ALLEGATIONS OF NEGLIGENCE

8. Walmart employees negligently and carelessly failed to make proper safety inspections of the shelves and shopping area referenced above, failed to keep the shopping area referenced above maintained so that it would be safe for customers, and failed to ensure that the bottle of Liquid Lightning referenced above was in a suitable condition for customers to handle and purchase, and failed to use due care for the safety of the shoppers who were attracted to their store, including the Plaintiff, JIMMY MOSS. These actions proximately caused the chemicals in the bottle of Liquid Lightning to be spilled onto the Plaintiff, JIMMY MOSS, resulting in damages and injuries described below. Walmart is vicariously liable for their employees actions and failures to take action as described above.

9. The Liquid Lightning manufactured by Rotoo and sold to the Plaintiff, JIMMY MOSS, was defective and unreasonably dangerous for customers to purchase and use. Rotoo had notice of the defective and unreasonably dangerous condition of their product because other people had been hurt in a similar way that the Plaintiff, JIMMY MOSS, was hurt before November 14, 2019. Rotoo had notice that their product was improperly packaged and that the chemicals in Liquid Lightning had a tendency to degrade the packaging and spill out onto surrounding surfaces, areas, and people nearby.

Rooto's actions as described above were careless and negligent and were a proximate cause of the injuries and damages suffered by the Plaintiff, JIMMY MOSS.

DAMAGES

10. As a direct result of the negligent actions referenced above, Walmart and Rooto proximately caused physical, mental, and emotional injuries, lost wages, and a loss of the enjoyment of life to the Plaintiff, JIMMY MOSS, that is ongoing and permanent, for all of which he deserves to be compensated.

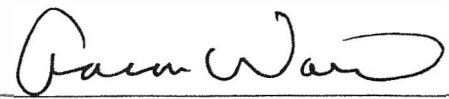
11. As a direct result of the negligent actions referenced above, Walmart and Rooto, caused the Plaintiff, JIMMY MOSS, to incur medical expenses for all of which he deserves to be compensated.

PRAYER FOR RELIEF

Wherefore, Plaintiff, JIMMY MOSS, prays for process to issue and be served against Walmart and Rooto. Plaintiff, JIMMY MOSS, also prays for all general and special relief available, including a jury of twelve peers to decide the outcome of this action and to reimburse him for all harms and losses proximately caused by the Walmart and Rooto. The Plaintiff, JIMMY MOSS, will respect the jury's decision regarding any monetary amounts determined to equal the harms and losses caused, but asks that no amount greater than two hundred thousand dollars (\$200,000.00) be considered as compensation for his losses. As the losses are continuing and ongoing for the Plaintiff, JIMMY MOSS, it is impossible to determine the total harms and losses proximately caused at this time.

Respectfully Submitted,

The Law Office of Aaron Woodard



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